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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

12M2/0620

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/605,567	02/22/96	020	CEBULAK, M 1209	06/20/97
First Named Applicant	WOODWARD, DAVID F.			

TITLE OF INVENTION NON-ACIDIC CYCLOPENTANE HEPTANOIC ACID, 2-CYCLOALKYL OR ARYLALKYL DERIVATIVES AS THERAPEUTIC AGENTS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	16955DIV2CIP	514-357.000	042	UTILITY	NO \$1290.00	09/22/97

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:

If the SMALL ENTITY is shown as NO:

- A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

III. All communications regarding this application must give application number and batch number.
Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/605,567	02/22/96	WOODWARD	D 16955DIV2CIP

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EXAMINER

CEBUJAK, M
ART UNIT PAPER NUMBER

1209
DATE MAILED:

12/10
06/20/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amdt, declaration & term disc. filed 4/28/97 & supp. amdt. filed 6/16/97.

☒ The allowed claim(s) is/are 5-7, 9, 16-51 & 11-20 (renumbered herein as 1-20)

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. R. Baran on 6/19/97.

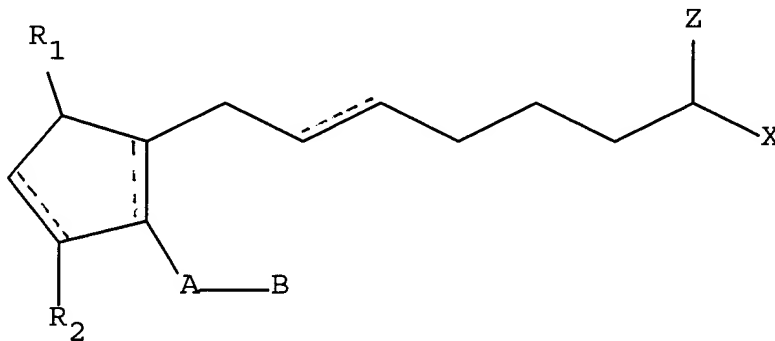
2. The application has been amended as follows:

In the claims:

Claim 5, lines 6-7 (page 2 of amendment), delete, “, provided however, that when Z is =O, then X is not -OR⁴”.

C'
T350X

Claim 11 (amended). A method of treating cardiovascular pulmonary-respiratory, gastrointestinal, reproductive and allergic diseases and shock in a human which comprises administering to said human an effective amount of a compound of formula I



(I)

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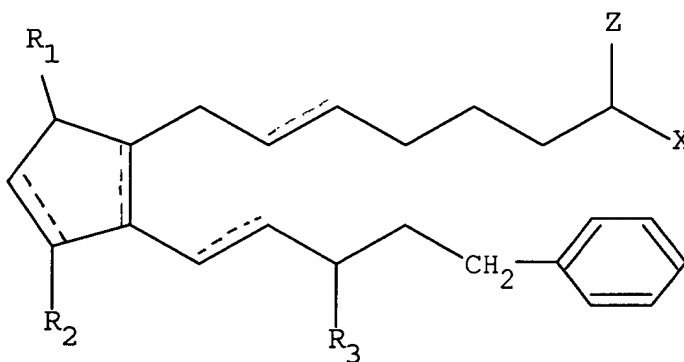
wherein the dashed bonds represent a single or double bond which can be in the cis or trans configuration, A is alkylene or alkenylene radical having from two to six carbon atoms, which radical may be interrupted by one or more oxide radicals and substituted with one or more hydroxy, oxo, alkyloxy or [alkylcarboxy] alkylcarboxy groups wherein said alkyl radical comprises from one to six carbon atoms, or an aryl radical selected from the group consisting of hydrocarbyl aryl and heteroaryl radicals having from four to ten carbon atoms wherein the heteroatom is selected from the group consisting of nitrogen, oxygen and sulfur atoms; B is a cycloalkyl radical having from three to seven carbon atoms, or an aryl radical, selected from the group consisting of hydrocarbyl aryl and heteroaryl radicals having from four to ten carbon atoms wherein the heteroatom is selected from the group consisting of nitrogen, oxygen and sulfur atoms; X is a radical selected from the group consisting of $-OR^4$ and $-N(R^4)_2$ wherein R^4 is selected from the group consisting of hydrogen, a lower alkyl radical having from one to six

T360X $\begin{array}{c} \text{O} \\ \parallel \\ \text{R}^5-\text{C}- \\ \parallel \\ \text{O} \end{array}$ or $\begin{array}{c} \text{O} \\ \parallel \\ \text{R}^5-\text{O}-\text{C}- \\ \parallel \\ \text{O} \end{array}$ wherein R^5 is a lower alkyl radical having from one to six carbon atoms; Z is $=O$ or represents 2 hydrogen radicals; one of R_1 and R_2 is $=O$, $-OH$ or a $-O(CO)R_6$ group, and the other one is $-OH$ or $-O(CO)R_6$, or R_1 is $=O$ and R_2 is H, wherein R_6 is a saturated or unsaturated acyclic hydrocarbon group having from 1 to about 20 carbon atoms, or $-(CH_2)_mR_7$ wherein m is 0-10, and R_7 is cycloalkyl radical, having from three to seven carbon atoms, or a hydrocarbyl aryl or heteroaryl radical, as defined above, or a pharmaceutically-

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acceptable salt thereof, provided however that when B is not substituted with a pendant heteroatom-containing radical and Z is =O, then X is not -OR⁴.

Claim ~~46~~⁵ (amended). A method of treating ocular hypertension or glaucoma which comprises applying to the eye an amount sufficient to treat ocular hypertension or glaucoma of the formula



wherein the dashed bonds represent a single or double bond which can be in the cis or trans configuration, X is a radical selected from the group consisting of -OR⁴ and -N(R⁴)₂ wherein R⁴ is selected from the group consisting of hydrogen, a lower alkyl radical having from one to six carbon atoms, R⁵-C(=O)- or R⁵-O-C(=O)- wherein R⁵ is a lower alkyl radical having from one to six carbon atoms; Z is =O or represents 2 hydrogen radicals; R₃ is =O, -OH or -O(CO)R₆; one of R₁ and R₂ is =O, -OH or a -O(CO)R₆ group, and the other one is -OH or -O(CO)R₆, or R₁ is =O and R₂ is H, wherein R₆ is a saturated or unsaturated acyclic hydrocarbon group having from 1 to about 20 carbon atoms, or -(CH₂)_mR₇ wherein m is 0-10, and R₇ is cycloalkyl radical, having

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from three to seven carbon atoms, or a hydrocarbyl aryl or heteroaryl radical having from four to ten carbon atoms wherein the heteroatom is selected from the group consisting of nitrogen, oxygen and sulfur atoms; [, as defined above,] or a pharmaceutically-acceptable salt thereof, provided however that when Z is =O, then X is not -OR⁴.

3. The following is an examiner's statement of reasons for allowance: The method of treating ocular hypertension or glaucoma with a compound (claims 5-7 and 9) of formula V is neither taught nor disclosed by the prior art. Specifically, the closest prior is Applicants' own in US patent 5,545,665, therefore the terminal portion of present application has been disclaimed. Additionally, claims 11-20 are directed to a method of treating cardiovascular pulmonary-respiratory, gastrointestinal, reproductive and allergic diseases and shock which is neither taught nor disclosed by the prior art. Specifically, the compounds of formula I are disclosed in the prior art but are neither taught nor disclosed as possessing the above recited activity. Claims 46-51 are directed to treating ocular hypertension or glaucoma with a compound (claims 5-7 and 9) of formula V is neither taught nor disclosed by the prior art. Specifically, the closest prior is Applicants' own in US patents 5,545,665; 5,352,708 and 5,607,978 therefore the terminal portion of present application (once issued as a patent) has been disclaimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Group 1200 by facsimile transmission. Papers should be faxed to Group 1200 via (703)308-4556. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

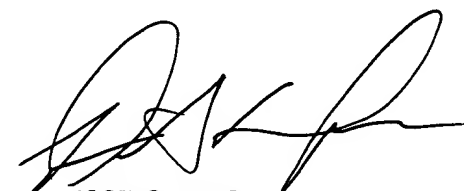
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner M. Cebulak at (703)308-4520. Any inquiry of a general nature or relating to the status of this application should be directed to the Chemical Matrix Customer Service Center at (703)308-1235.

If the Examiner cannot be reached, please contact the Examiner's supervisor, José Dees, at (703) 308-4628.



mcc

June 19, 1997



JOSE G. DEES
SUPERVISORY PATENT EXAMINER
GROUP 1200